

**COMMERICAL PLANNED DEVELOPMENT TEXT
AND
RESIDENTIAL LIMITATION OVERLAY TEXT**

PROPOSED DISTRICT: CPD, L-ARLD
PROPERTY ADDRESS: 5074 E. Dublin-Granville Road
OWNER: TCCI Acquisitions, LLC, et al.
APPLICANT: DNC Hamilton Crossing, LLC
DATE OF TEXT: 2/29/15
APPLICATION NUMBER: Z14-044

**The RFBA sites start
on page 12 with
Subarea D**

INTRODUCTION: The real property that is the subject of this zoning text consists of 181.22+/- acres located on the north and south sides of the State Route 161 Expressway in the vicinity of the Hamilton Road interchange. The site includes most of the acreage found in the southwest quadrant of the interchange to the north of East-Dublin-Granville Road, much of which is being down-zoned to eliminate retail uses and to provide for a commitment to office development. The balance of this quadrant, as well as the portion of the site that is located to the south of East Dublin-Granville Road, are being rezoned to facilitate mixed use commercial and office development to accommodate modern development trends. The portions of the site located in the northeast and northwest quadrants of the interchange are being rezoned to accommodate multi-family development.

This application serves to relocate the commercial uses that are presently permitted in the northeast and northwest quadrants of the interchange to a location to the southwest of and adjacent to the intersection of East Dublin-Granville Road and existing Hamilton Road. Similarly, it will relocate multi-family uses that are currently permitted at this intersection to the north side of the freeway. These relocations will serve to provide for uniform commercial zoning districts and development standards on the south side of East Dublin-Granville Road and will yield a reduction in the amount of retail acreage permitted in the area from the presently zoned 54.3+/- acres of retail acreage on the north to less than 27 acres in a subarea located to the southwest of the intersection of East Dublin-Granville Road and existing Hamilton Road.

1. SUBAREA A: CPD

1.01. LOCATION: Subarea A is located to the southwest of the State Route 161 Expressway interchange at Hamilton Road and is found to the north of East Dublin-Granville Road. Subarea A is 50.72+/- gross acres in size.

1.02. PERMITTED USES: Permitted uses for this subarea are contained in Section 3356.03 (C-4) of the Columbus Zoning Code, subject to the following limitations:

A. The following uses shall be the only uses permitted in portions of this subarea located to the north and/or west of the centerline of the gas line easement that runs through this subarea as it exists on the date of this text, as shown on the subarea map shown in **Exhibit A**:

1. All uses permitted in Section 3353.03 (C-2, Office Commercial))
2. Parking garages and parking structures serving one or more permitted uses in this subarea.
3. The following uses, but only to the extent that they are accessory to permitted uses identified in Section 3353.03 (C-2, Office Commercial). For purposes of this provision, uses shall be deemed to be “accessory” to a permitted use if individually or collectively they operate from less than 20% of the gross square floor area of a building in which at least one permitted use operates. The uses listed below shall not be permitted as the sole or primary use of a building that is located to the north and/or west of the gas line easement that is referenced above:

- a. Cafes, delicatessens, and restaurants
- b. Drug stores and pharmacies
- c. Dry cleaning services
- d. Barber shops and beauty salons
- e. Ice cream and yogurt stores
- f. News dealers and newsstands
- g. Footwear sales and repair
- h. Food and beverage stores
- i. Clothing and clothing accessories stores
- j. General merchandise stores
- k. Exercise and health facilities

B. The following uses are prohibited within all portions of this subarea:

- 1. Billboards
- 2. Cabaret
- 3. Commercial radio transmitting or television station and appurtenances including cellular towers unless it is located on top of a building. Notwithstanding the previous sentence, no full size regional cell towers will be located on the top of a building if such cell tower exceeds ten (10) feet above the height of the building.
- 4. Dance hall
- 5. Electric substation
- 6. Funeral parlor
- 7. Motor bus terminal
- 8. Motion picture theater
- 9. Nightclub
- 10. Pawn shop
- 11. Poolroom
- 12. Private club
- 13. Testing or experimental laboratory
- 14. Free-standing automobile repair shops conducting engine or body repair provided, however, free-standing automobile repair shops which conduct only routine maintenance shall be permitted.
- 15. Check cashing and loans

1.03. DEVELOPMENT STANDARDS: The applicable development standards are contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code unless otherwise indicated within this text.

1.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:

A. The permitted maximum site density within Subarea A shall not exceed:

- 1. The ratio of 12,000 gross square feet of building per net acre of site for retail uses;
- 2. The ratio of 18,000 gross square feet of building per net acre of site for office uses if no parking garages or other parking structures are utilized to serve such uses; and
- 3. The ratio of 30,000 gross square feet of building per net acre of site for office uses if parking garages or other parking structures are utilized to serve such uses.
- 4. The gross square footage of parking garages and parking structures shall not be included in the calculation of permitted square footage. "Net acreage" shall be defined as gross acreage less acreage contained within public right-of-way that is dedicated from this subarea following the date of this text.

B. Setbacks:

1. The minimum setback from the right-of-way for the State Route 161 Expressway shall be 40 feet for parking and maneuvering areas and for buildings.
2. The minimum setback from the right-of-way for East Dublin-Granville Road shall be 20 feet for parking and maneuvering areas and for buildings.
3. The minimum setback along other public streets shall be 20 feet for parking and maneuvering areas and for buildings.
4. The minimum setback from the western boundary line of Subarea A shall be 25 feet for parking and maneuvering areas and buildings.
5. The minimum setback from the eastern boundary line of Subarea A shall be zero for parking and maneuvering areas, canopies and buildings, except that there shall be a minimum setback for parking and maneuvering areas, canopies and buildings of 20 feet from Franklin County Auditor Tax Parcel Numbers 010-245194 and 010-221373 as they exist on the date of this text.
6. There shall be a zero setback for interior property lines within this subarea for parking and maneuvering and buildings.
7. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach no more than 5 feet into minimum required building setbacks.
8. Building setbacks shall not apply to landscape features such as, but not limited to, planters or walls 6 feet high or less or ornamental fencing which may or may not contain signage.

C. Height District: The height district for this subarea shall be 110 feet as measured per the Columbus Zoning Code, provided, however, that buildings shall not exceed a maximum height of 65 feet for (i) all portions of this subarea located to the south and/or east of the centerline of the gas line easement (as it exists on the date of this text and as shown on subarea plan attached hereto as **Exhibit A**) and (ii) all buildings in this subarea any portion of which are located within 50 feet of the right-of-way of existing East Dublin-Granville Road.

D. Lot Coverage: For structures and paved areas lot coverage shall not exceed eighty percent (80%). Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

1.05. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:

A. This subarea shall be serviced from vehicular access points on East Dublin-Granville Road on the south and by Hamilton Road to the east. All vehicular access points shall have turn movements and shall be located as identified in a traffic impact study that is approved by the City of Columbus Department of Public Service, as may be amended as agreed upon by the developer and the Department of Public Service from time-to-time.

B. Right-of-way shall be dedicated to the City so that there is a total of 30 feet of right-of-way measured from the centerline of Dublin-Granville Road.

1.06. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:

A. Landscaping within the required building setback along East Dublin-Granville Road shall contain one or more of the following: a minimum 3-foot high shrubbery screen, deciduous trees, evergreen trees, shrubbery, decorative walls, decorative fencing, and/or other landscaping features.

B. A street tree row shall be established along all publicly dedicated rights-of-way containing a minimum of 1 tree for every 30 feet of street frontage. Trees may be grouped or spaced. Such trees shall be those specified in the Columbus Street Program guidelines from the City of Columbus Forester and shall be located within the area defined by the minimum required building setback. Minimum tree size at installation shall be 2 ½ caliper inches in these setback areas.

C. Deciduous trees shall be planted along both sides of any internal private access road that serves outparcels in this subarea, at a rate that is not less than 1 tree per 50 feet of access road.

D. The landscaping requirements of this section may be satisfied or off-set by the preservation of existing vegetation. Tree plantings may be offset by using existing healthy trees 4 inches in caliper or greater (1 tree for 1 tree).

E. Dumpsters and mechanical equipment shall be fully screened from off-site view by a solid wall or fence that is compatible with the nearest building's architecture.

F. Parkland, green or open space requirements beyond what is included in this Subarea A shall be fulfilled by the open/green space L-R zoning classification labeled as 9-A and 9-B in case Z05-054 approved by the Columbus City Council on July 23, 2007.

1.07. BUILDING DESIGN COMMITMENTS FOR RETAIL AND RELATED BUILDINGS

A. The architectural design for buildings in this subarea shall be consistent with the standards set forth in this text and shall be coordinated between the various uses and proposed building types. However, these standards shall not apply to buildings in which the primary use is office. For purposes of this text, the primary use of a building shall be deemed to be office if the majority of the total gross square footage of the building contains office uses. Examples of the intent with respect to the quality of architectural design intent for buildings (other than office) in this subarea are attached to this text as **Exhibit B**.

B. Permitted primary building materials shall include and shall be limited to the following (either alone or in some combination): brick, brick veneer, stone, stone veneer, fiber cement siding or comparable material, wood, and/or glass.

C. Any side of a building which is visible from a public street, right-of-way, or green shall have a finished appearance and shall be of compatible materials, color, trim, and style as the front facade of the building.

D. Roofs shall be designed to screen rooftop mechanical equipment from view on adjacent public rights-of-way.

E. No outdoor playgrounds shall be permitted to be located on outparcels in this subarea.

1.08. LIGHTING COMMITMENTS:

1. All outdoor lighting shall utilize cut-off type fixtures (downlighting) and shall be designed in such a way to prevent off-site spillage. Lighting shall not direct light onto an adjacent property or street. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.

2. The maximum height of light poles shall not exceed 32 feet in height, except that light poles on outparcels with frontage on a public street shall not exceed 18 feet in height.

3. Rear service area lighting shall be provided through the use of cut-off style downlighting with concealed light sources.

1.09 UTILITY COMMITMENTS:

A. All new or relocated utility lines shall be installed underground.

2. SUBAREA B: CPD

2.01. LOCATION: Subarea B contains approximately 44.65 acres and is located southwest of and adjacent to the intersection of East Dublin-Granville Road and the to-be-constructed portion of Hamilton Road, to the east of and adjacent to Subarea C.

2.02. PERMITTED USES: Permitted uses for Subarea B shall be as follows:

A. Those uses specified in Section 3356.02 (C-4, Commercial) and Section 3357.01 (C-5, Commercial) of the Columbus City Code unless otherwise indicated within this text, provided that:

1. A maximum of two (2) gasoline stations shall be permitted in Subarea B; and

2. No more than 10 acres within Subarea B shall be developed and/or operated with the uses that are permitted only in the C-5 zoning classification. For purposes of clarification, a “fast food business” is listed as a permitted use in Section 3357.01 (C-5, Commercial) of the Columbus City Code. This term includes only fast food restaurants that do not provide seating and that serve customers that are seated in their vehicles outside of drive-thrus. This term does not include fast food restaurants that provide seating, which restaurants shall not be subject to the acreage restriction contained in this paragraph.

B. Parking garages and parking structures serving one or more permitted uses in this subarea.

C. The following uses are prohibited within this subarea:

1. Billboards
2. Cabaret
3. Commercial radio transmitting or television station and appurtenances including cellular towers unless it is located on top of a building. Notwithstanding the previous sentence, no full size regional cell towers will be located on the top of a building if such cell tower exceeds ten (10) feet above the height of the building.
4. Dance hall
5. Electric substation
6. Funeral parlor
7. Motor bus terminal
8. Motion picture theater
9. Nightclub
10. Pawn shop
11. Poolroom
12. Private club
13. Testing or experimental laboratory
14. Free-standing automobile repair shops conducting engine or body repair provided, however, free-standing automobile repair shops which conduct only routine maintenance shall be permitted.

15. Check cashing and loans

2.03. DEVELOPMENT STANDARDS: The applicable development standards are contained in Chapter 3356 (C-4, Commercial) of the Columbus City Code unless otherwise indicated within this text.

2.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:

A. The permitted maximum site density for the subject property shall not exceed the ratio of 12,000 gross square feet of building per net acre of the subarea except that office development shall not exceed the ratio of 18,000 gross square feet of building per net acre of the subarea. "Net acreage" shall be the gross acreage less acreage contained within public right-of-way that is dedicated from this subarea following the date of this text. The gross square footage of parking garages and parking structures shall not be included in the calculation of permitted square footage.

B. Setbacks:

1. The minimum setback from relocated Hamilton Road shall be 25 feet for parking and maneuvering areas and for buildings and canopies.

2. The minimum setback from the right-of-way for East Dublin-Granville Road shall be 20 feet for parking and maneuvering areas and for buildings and canopies.

3. The minimum setback from the western boundary line of Subarea B shall be 25 feet for parking and maneuvering areas, canopies, and buildings, provided, however, that there shall be a zero setback requirement from the western boundary line of Subarea B in the event that Subarea B and Subarea C (located to the west of and adjacent to Subarea B) are developed as a unified development.

4. There shall be a zero setback for interior property lines within this subarea for parking and maneuvering, and buildings.

5. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to no more than 5 feet into minimum required building setbacks.

6. Building setbacks shall not apply to landscape features such as, but not limited to, planters or walls 6 feet high or less or ornamental fencing which may or may not contain signage.

C. Height District: The height district for this subarea shall be 60 feet. However, buildings with a primary use that is other than hotels, offices, or parking garages or structures shall be limited to a maximum of 35 feet in height. Height shall be measured per Columbus City Code except such measurements shall be made exclusive of architectural features, parapets, and roof elements.

D. Lot Coverage: For structures and paved areas lot coverage shall not exceed eighty percent (80%). Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

2.05. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:

A. Pedestrian access will be provided between Subarea B and Subarea C. A sidewalk or other pedestrian trail shall be installed along the north side of Relocated Hamilton Road within the right-of-way as part of the construction of this public street. A sidewalk or other pedestrian trail shall be installed along the south side of East Dublin-Granville Road within the right-of-way as part of improvements to this public street that are anticipated as a result of

the traffic impact study that relates to this text. Other pedestrian access points between Subareas B and C shall be coordinated between the owners of those subareas.

B. This subarea shall be serviced from vehicular access points on East Dublin-Granville Road on the north and on relocated Hamilton Road to the south and east. All vehicular access points shall have turn movements and shall be located as identified in a traffic impact study that is approved by the City of Columbus Department of Public Service as may be amended as agreed upon by the developer and the Department of Public Service from time-to-time.

C. Right-of-way shall be dedicated to the City so that there is a total of 30 feet of right-of-way measured from the centerline of East Dublin-Granville Road and a total of 60 feet of right-of-way measured from the centerline of the to-be-constructed portion of Hamilton Road on the south side of this subarea.

D. The relevant owner of affected portions of Subarea B shall provide a vehicular cross access easement in favor of Subarea C once both subareas are developed.

2.06. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:

A. Landscaping within the required building setbacks along East Dublin-Granville Road and relocated Hamilton Road shall contain one or more of the following: a minimum 3 foot high continuously uniform shrubbery screen, deciduous trees, evergreen trees, shrubbery, decorative walls, decorative fencing, and/or other landscaping features.

B. A street tree row shall be established along all publicly dedicated rights-of-way containing a minimum of 1 tree for every 30 feet of street frontage. Trees may be grouped or spaced. Such trees shall be those specified in the Columbus Street Program guidelines from the City of Columbus Forester and shall be located within the area defined by the minimum required building setback. Minimum tree size at installation shall be 2 ½ caliper inches in these setback areas.

C. Deciduous trees shall be planted along both sides of any internal private access road that serves outparcels in this subarea, at a rate that is not less than 1 tree per 50 feet of access road.

D. The landscaping requirements of this section may be satisfied or off-set by the preservation of existing vegetation. Tree plantings may be offset by using existing healthy trees 4 inches in caliper or greater (1 tree for 1 tree).

E. Self-illuminated items such as vending machines shall not be permitted on the exterior of a structure.

F. Dumpsters and mechanical equipment shall be fully screened from off-site view by a solid wall or fence that is compatible with the nearest building's architecture.

G. Parkland, green or open space requirements beyond what is included in this Subarea B shall be fulfilled by the open/green space L-R zoning classification labeled as 9-A and 9-B in case Z05-054 approved by the Columbus City Council on July 23, 2007.

2.07. BUILDING DESIGN COMMITMENTS: The architectural design requirements for Subarea B shall be the same as which apply to Subarea A as provided in Section 1.07 of this text. In the event that the provisions of Section 1.07 of this text are altered as a result of a rezoning or variance(s) approved subsequent to the date of this zoning text, then the architectural design requirements for Subarea B shall remain as they are stated in Section 1.07 of this text unless they are specifically altered as part of the same rezoning or variance(s) that include Subarea A or as part of a separate zoning or variance application.

2.08. LIGHTING COMMITMENTS:

1. All outdoor lighting shall utilize cut-off type fixtures (downlighting) and shall be designed in such a way to prevent off-site spillage. Lighting shall not direct light onto an adjacent property or street. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.
2. The maximum height of light poles shall not exceed 32 feet in height, except that light poles on outparcels with frontage on a public street shall not exceed 18 feet in height.
3. Rear service area lighting shall be provided through the use of cut-off style downlighting with concealed light sources.
4. Lighting fixtures used to illuminate the area below a freestanding canopy shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy. However, indirect lighting may be used where a shielded source of light is beamed upward and reflected down from the underside of the canopy.

2.09 UTILITY COMMITMENTS:

- A. All new or relocated utility lines shall be installed underground.

3. SUBAREA C: CPD

3.01. LOCATION: Subarea C contains approximately 26.94 acres and is located southeast of and adjacent to the intersection of East Dublin-Granville Road and existing Hamilton Road, to the west of and adjacent to Subarea B.

3.02. PERMITTED USES: Permitted uses for Subarea C shall be as follows:

- A. Those uses specified in Section 3356.02 (C-4, Commercial) and Section 3357.01 (C-5, Commercial) of the Columbus City Code unless otherwise indicated within this text, **provided that:**

1. A maximum of one gasoline station shall be permitted in Subarea C; and
2. No more than 5 acres within Subarea C shall be developed and/or operated with the uses that are permitted only in the C-5 zoning classification. For purposes of clarification, a “fast food business” is listed as a permitted use in Section 3357.01 (C-5, Commercial) of the Columbus City Code. This term includes only fast food restaurants that do not provide seating and that serve customers that are seated in their vehicles outside of drive-thrus. This term does not include fast food restaurants that provide seating, which restaurants shall not be subject to the acreage restriction contained in this paragraph.
3. No portion of Subarea C that is located to the west of the intersection of existing Hamilton Road and relocated Hamilton Road shall be developed and/or operated with the uses that are permitted only in the C-5 zoning classification.

- B. Parking garages and parking structures serving one or more permitted uses in this subarea.

- C. The following uses are prohibited within this subarea:

1. Billboards
2. Cabaret

3. Commercial radio transmitting or television station and appurtenances including cellular towers unless it is located on top of a building. Notwithstanding the previous sentence, no full size regional cell towers will be located on the top of a building if such cell tower exceeds ten (10) feet above the height of the building.
4. Dance hall
5. Electric substation
6. Funeral parlor
7. Motor bus terminal
8. Motion picture theater
9. Nightclub
10. Pawn shop
11. Poolroom
12. Private club
13. Testing or experimental laboratory
14. Free-standing automobile repair shops conducting engine or body repair provided, however, free-standing automobile repair shops which conduct only routine maintenance shall be permitted.
15. Check cashing and loans

3.03. DEVELOPMENT STANDARDS: The applicable development standards are contained in Chapter 3356 (C-4, Commercial) unless otherwise indicated within this text.

3.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:

A. The permitted maximum site density for the subject property shall not exceed the ratio of 12,000 gross square feet of building per net acre of the subarea except that office development shall not exceed the ratio of 18,000 gross square feet of building per net acre of the subarea. "Net acreage" shall be defined as gross acreage less acreage contained within the public right-of-way that is dedicated from this subarea following the date of this text.

B. Setbacks:

1. The minimum setback from relocated Hamilton Road shall be 25 feet for parking and maneuvering areas and for buildings and canopies.
2. The minimum setback from existing Hamilton Road shall be 25 feet for parking and maneuvering areas and buildings and canopies.
3. The minimum setback from the right-of-way for East Dublin-Granville Road shall be 20 feet for parking and maneuvering areas and for buildings and canopies.
4. The minimum setback from the eastern boundary line of Subarea C shall be 25 feet for parking and maneuvering areas, canopies, and buildings, provided, however, that there shall be a zero setback requirement from the eastern boundary line of Subarea C in the event that Subarea B (located to the east of and adjacent to Subarea B) and Subarea C are developed as a unified development.
5. There shall be a zero setback for interior property lines within this subarea for parking and maneuvering, and buildings.
6. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach no more than 5 feet into minimum required building setbacks.
7. Building setbacks shall not apply to landscape features such as, but not limited to, planters or walls six (6) feet high or less or ornamental fencing which may or may not contain signage.

C. Height District: The height district for this subarea shall be 60 feet. However, buildings with a primary use that is other than hotels, offices, or parking garages or structures shall be limited to a maximum of 35 feet in height. Height shall be measured per Columbus City Code except such measurements shall be made exclusive of architectural features, parapets, and roof elements.

D. Lot Coverage: For structures and paved areas lot coverage shall not exceed 80%. Internal sidewalks and bikeways shall not be considered as part of the lot coverage.

3.05. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:

A. Pedestrian access will be provided between Subarea B and Subarea C. A sidewalk or other pedestrian trail shall be installed along the north side of Relocated Hamilton Road within the right-of-way as part of the construction of this public street. A sidewalk or other pedestrian trail shall be installed along the south side of East Dublin-Granville Road within the right-of-way as part of improvements to this public street that are anticipated as a result of the traffic impact study that relates to this text. Other pedestrian access points between Subareas B and C shall be coordinated between the owners of those subareas.

B. This subarea shall be serviced from vehicular access points on East Dublin-Granville Road on the north, on Hamilton Road to the west, and on relocated Hamilton Road to the south and east. All vehicular access points shall have turn movements and shall be located as identified in a traffic impact study that is approved by the City of Columbus Department of Public Service, as may be amended as agreed upon by the developer and the Department of Public Service from time-to-time.

C. Right-of-way shall be dedicated to the City so that there is a total of 30 feet of right-of-way measured from the centerline of East Dublin-Granville Road, a total of 50 feet from the centerline of existing Hamilton Road on the west side of this subarea, and a total of 60 feet of right-of-way measured from the centerline of the to-be-constructed portion of Hamilton Road on the south side of this subarea.

D. The relevant owner of affected portions of Subarea C shall provide a vehicular cross access easement in favor of Subarea B once both subareas are developed.

3.06. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:

A. Landscaping within the required building setbacks along East Dublin-Granville Road, relocated Hamilton Road, and existing Hamilton Road shall contain one or more of the following: a minimum 3 foot high continuously uniform shrubby screen, deciduous trees, evergreen trees, shrubbery, decorative walls, decorative fencing, and/or other landscaping features.

B. A street tree row shall be established along all publicly dedicated rights-of-way containing a minimum of 1 tree for every 30 feet of street frontage. Trees may be grouped or spaced. Such trees shall be those specified in the Columbus Street Program guidelines from the City of Columbus Forester and shall be located within the area defined by the minimum required building setback. Minimum tree size at installation shall be 2 ½ caliper inches in these setback areas.

C. Deciduous trees shall be planted along both sides of any internal private access road that serves outparcels in this subarea, in a number not less than 1 tree per 50 feet of access road.

D. The landscaping requirements of this section, except for trees within the parking lot, may be satisfied or off-set by the preservation of existing vegetation. Tree plantings may be offset by using existing healthy trees 4 inches in caliper or greater (1 tree for 1 tree).

E. When the rear of any building faces existing Hamilton Road and contains one or more loading areas, it shall be screened to a minimum height of 6 feet using fencing, landscaping, mounding, or some combination thereof to achieve a minimum of 90% opacity when viewed from a height of 6 feet at the western edge of the existing Hamilton Road right-of-way. In this same circumstance, additional screening shall be provided using landscaping that provides for a minimum of 75% opacity between the height of 6 feet and 10 feet within 3 years of the date of issuance of an occupancy permit for the relevant building.

F. Self-illuminated items such as vending machines shall not be permitted on the exterior of a structure.

G. Dumpsters and mechanical equipment shall be fully screened from off-site view by a solid wall or fence that is compatible with the nearest building's architecture.

H. Parkland, green or open space requirements beyond what is included in this Subarea C shall be fulfilled by the open/green space L-R zoning classification labeled as 9-A and 9-B in case Z05-054 approved by the Columbus City Council on July 23, 2007.

3.07. BUILDING DESIGN AND INTERIOR-EXTERIOR TREATMENT COMMITMENTS:

A. The architectural design requirements for Subarea C shall be the same as which apply to Subarea A as provided in Section 1.07 of this text. In the event that the provisions of Section 1.07 of this text are altered as a result of a rezoning or variance(s) approved subsequent to the date of this zoning text, then the architectural design requirements for Subarea C shall remain as they are stated in Section 1.07 of this text unless they are specifically altered as part of the same rezoning or variance(s) that include Subarea A or as part of a separate zoning or variance application. In the event of a conflict between the provisions of this Section 3.07 and Section 1.07, then the provisions of this Section 3.07 shall govern.

B. Buildings on outparcels having frontage on only existing Hamilton Road in the western portion of Subarea C shall be required to have their front facades facing this right-of-way. Any building on an outparcel having frontage on existing Hamilton Road and another public right-of-way shall be permitted to have the front face of the building facing either right-of-way, provided that a similar level of architectural finish as is provided on the front façade is provided on the building façade that faces the other public right-of-way.

C. The following additional standards shall apply where the rear of a building faces existing Hamilton Road and is located within 75 feet of the right-of-way for that public street:

1. The same palette of exterior finishes and color shall be used on the rear façade as is used on the front of the building;
2. Rear service area lighting shall be provided through the use of cut-off style downlighting with concealed light sources.

3.08. LIGHTING COMMITMENTS:

1. All outdoor lighting shall utilize cut-off type fixtures (downlighting) and shall be designed in such a way to prevent off-site spillage. Lighting shall not direct light onto an adjacent property or street. Direct lighting fixtures for a ground sign shall be shielded with landscaping and shall be positioned in a manner that prevents glare.

2. The maximum height of light poles shall not exceed 32 feet in height, except that light poles on outparcels with frontage on a public street shall not exceed 18 feet in height.

3. Rear service area lighting shall be provided through the use of cut-off style downlighting with concealed light sources.

4. Lighting fixtures used to illuminate the area below a freestanding canopy shall be recessed so that the lens cover is recessed or flush with the bottom surface (ceiling) of the canopy. However, indirect lighting may be used where a shielded source of light is beamed upward and reflected down from the underside of the canopy.

3.09 UTILITY COMMITMENTS:

A. All new or relocated utility lines shall be installed underground.

CPD CRITERIA FOR SUBAREAS A, B, AND C:

A. Existing land uses: To the north is green space/parkland and future multi-family residential; to the east is future commercial; to the west is existing commercial; and to the south is future residential.

B. Transportation and circulation: Access to the site shall be via East Dublin-Granville Road, existing Hamilton Road, and the to-be-constructed Hamilton Road.

C. Visual form of the development: The site shall be developed in accordance with the zoning text.

D. View and visibility: In the development of the subject property and the location of the buildings and access points consideration has been given to the visibility and safety of motorists and pedestrians.

E. Proposed development: Office and commercial as permitted under this text.

F. Emissions: No adverse effects from emissions shall result from the proposed development.

G. Behavior patterns: The proposed development would serve the growing Columbus residential population as well as the motorists who use State Route 161, Hamilton Road, and East Dublin-Granville Road.

4. SUBAREA D: L-ARLD

4.01. LOCATION: Subarea D contains approximately 44.39 acres and is located northeast of and adjacent to the intersection of State Route 161 and Hamilton Road.

4.02. PERMITTED USES: Permitted uses for Subarea D shall include multi-family residential; private clubhouses, fitness centers, and pools serving multi-family uses; and accessory uses that are customary for multi-family residential uses.

4.03. DEVELOPMENT STANDARDS: The applicable development standards are contained in Chapter 3333 (ARLD, Apartment Residential) of the Columbus City Code unless otherwise indicated within this text.

4.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:

A. The maximum number of dwelling units in this subarea shall be 600.

B. The minimum building and pavement setback from the right-of-way for Hamilton Road and State Route 161 shall be the same as the Preservation Areas' boundary as outlined in Section 4.06 below. Outside of the Preservation Areas, the minimum setback from Hamilton Road (as measured from the edge of right-of-way as it

exists prior to the dedication of any right-of-way as contemplated in Section 4.06.C) and State Route 161 shall be 50 feet for parking and maneuvering areas and for buildings. Steps, stoops, balconies, and porches, shall be permitted to encroach into the setback areas (including the Preservation Areas) along Hamilton Road but shall not extend more than 5 feet into such areas. Sidewalks to access buildings shall be permitted within this setback area.

C. The minimum perimeter setbacks from boundaries of this subarea that are not otherwise specifically addressed in this text shall be 30 feet for parking and maneuvering areas and 50 feet for buildings. Sidewalks to access the buildings may be permitted within the building setback area provided that no pavement, sidewalks or buildings shall be constructed within the area labeled as “Undisturbed Parkland” in **Exhibit C**.

D. From all internal roadways or drives, the minimum setback for buildings shall be 10 feet from the edge of pavement. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach into minimum required building setbacks, provided, however, that no encroachment will be permitted into the public right-of-way. This setback shall not apply to buildings with attached garages or stand-alone garages.

E. The height district shall be 60 feet as measured per Columbus City Code, provided, however, that no building in this subarea shall exceed 40 feet in height as measured by Columbus City Code.

4.05. BUILDING DESIGN COMMITMENTS:

A. The architectural design for buildings in this subarea shall be consistent with the standards set forth in this text and shall be coordinated between the various proposed building types. The design of buildings in this subarea shall be consistent with the character of the elevations that are attached to this text as **Exhibit E**.

B. Permitted primary building materials shall include the following (either alone or in some combination): brick, brick veneer, stone, stone veneer, fiber cement panels and/or siding or comparable material, vinyl siding, wood, and/or glass.

4.06. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:

A. Parking on internal private streets and drives shall be permitted.

B. A shared use path shall be installed along the entire frontage of this subarea on Hamilton Road, to be located either within a sidewalk easement (which shall be permitted to be located in Preservation Areas, provided that reasonable efforts shall be made to minimize tree removal within these areas) or within the right-of-way as approved by the City’s Department of Public Service. Pedestrian connections shall be established between the primary parking area for a building and the primary entry doors of that building.

2. Right-of-way shall be dedicated to the City so that there is a total of 60 feet of right-of-way measured from the centerline of Hamilton Road.

3. This subarea shall be serviced from two vehicular access points on Hamilton Road. The northernmost vehicular access point shall have full turn movements. The southernmost vehicular access point shall be restricted to a right-in turn movement only. All vehicular access points shall be located as identified in a traffic impact study that is approved by the City of Columbus Department of Public Service.

4.07. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:

A. Unless such plantings would cause significant harm to existing vegetation in relevant Preservation Areas (as contemplated in Section 4.07.C below), a street tree row shall be established along Hamilton Road with the planting of a minimum of 1 tree for every 30 lineal feet of street frontage. Trees shall be approximately evenly spaced, unless tree grouping is more practical, and planted within the right-of-way. A street tree row shall be established between sidewalks and buildings along both sides of all internal access roadways with the planting of a minimum of 1 tree for every 30 lineal feet. Such trees shall be those specified in the Columbus Street Tree Program guidelines from the City Forester.

B. The parking setback area along the S.R. 161 Expressway shall include tree plantings at a rate of 4 trees per 100 lineal feet of expressway frontage except in areas where existing trees are preserved. The trees shall be placed randomly to create a natural appearance. Existing healthy trees 5 inches in caliper and above may be used in place of new trees.

C. The natural environment of trees, topography, and the pond that exists along Hamilton Road and the S.R. 161 Expressway shall be maintained as described in this Section 4.07.C. Preservation Areas A-G are hereby established as delineated on **Exhibit C**, titled “Tree Preservation Plan,” and are intended to preserve and maintain existing trees as outlined below. Legal descriptions of these Preservation Areas shall be filed with the City as part of the first building permit application that is filed for construction of a structure in either Subarea D or Subarea E. Preservation Areas “A”, “B”, “D”, “E”, and “F”, as delineated on **Exhibit C** will be “total non-disturbance preservation areas”, meaning that all existing landscaping, vegetation, trees and other growth will be left in their current state and remain untouched as the site is developed except as otherwise provided in this text. Notwithstanding the foregoing, if the City of Columbus Recreation and Parks Department requires a bike/multi-use path to be located along the northern property line of Subarea D, then the total Non-Disturbance/Preservation Area for Preservation Area D may be reduced to ten feet (10’) to allow for construction of such path, and such bike/multi-use path may also be permitted to cross Preservation Area C.

D. Within Preservation Area “C”, at least 50% of mature, healthy trees 5 inches in caliper and above shall be preserved. Ground signage and sidewalks for residential units may be placed within Preservation Area “C” as long as the requirements in the immediately preceding sentence are met. The location of the two curb cuts on Hamilton Road shown on **Exhibit C** are subject to change with the consent of the City of Columbus Department of Public Service, and Preservation Area “C” may be adjusted to allow for these access points. Dead trees may be removed within Preservation Area “C” and “D”.

All trees preserved in Preservation Areas “A-F” shall be maintained in a healthy state according to locally accepted good horticultural practices. In areas along Hamilton Road where existing trees are dead, are in decline or are undesirable species these trees may be removed and replanted with landscaping consisting of a single row of deciduous shade trees (4 trees per 100 lineal feet) in a natural hedgerow (minimum 2 ½ inch caliper upon installation) and ornamental trees unless tree groupings are more practicable or tree groupings will make the landscaping appear more natural in character. Evergreen and/or deciduous shrubs and/or mounding may also be used. Mounding, if used for screening, shall maintain a maximum 3:1 slope along Hamilton Road. Utilities may be located in Preservation Areas “A-F” provided that care is taken to prevent the unnecessary destruction of vegetation.

E. Credit toward tree-planting requirements of the Columbus City Code shall be given for preserving an existing healthy tree 2 ½ inches in caliper or greater located outside of a designated Preservation Area.

F. The area on the Tree Preservation Plan (**Exhibit C**) which is labeled Preservation Area “F” shall remain in its natural state except that trees shall be permitted to be removed if they present a danger to persons or property. The land within this area shall be donated to the City of Columbus as permanent open space and/or parkland if requested by the City in writing no later than the 2nd anniversary of the date of this text.

At the time of this zoning the City of Columbus does not have any plans for a bike trail system along the west side of Rocky Fork Creek. However, in the event the City of Columbus decides to create a bike trail system along the west side of Rocky Fork Creek in the area designated as “Undisturbed Parkland”, the developer shall (if permitted under applicable environmental and/or wetlands permits) construct a bike trail with the coordination and approval of the City’s Recreation and Parks Department. If such bike trail is constructed, the developer shall also construct an additional bike trail connecting the development of Subarea D with the Rocky Fork Creek bike trail. Notwithstanding the foregoing, in the event that the City of Columbus has not adopted a new trail system along the west side of Rocky Fork Creek by the 2nd anniversary of the date of this text, the obligation of the developer to construct the bike trail shall terminate but the developer shall be required to provide an easement to allow the City of Columbus to construct a bike trail if requested by the City at any time in the future provided that the City does not own the Undisturbed Parkland. Bike trails shall only be constructed within portions of the Undisturbed Parkland where such improvements are allowed pursuant to applicable environmental permits.

4.08. DUMPSTERS, LIGHTING, AND SIGNAGE COMMITMENTS:

A. Dumpsters shall be screened from off-site view to a minimum height of 6 feet by a fence, wall, building, and/or landscaping, used individually or in combination.

B. All external outdoor lighting (including, without limitation, light poles) shall be cut-off type fixtures (downlighting), and shall be designed in such a way to prevent off-site spillage. Light poles shall not exceed 18 feet in height. Lighting shall not generate excessive light levels, cause glare, or direct light onto an adjacent property or street. The source of exterior illumination of a building or landscaping shall be concealed from view. Direct lighting fixtures for a ground sign shall be shielded with landscaping and be positioned in such a way as to prevent glare. External outdoor lighting fixtures for a ground sign shall be shielded with landscaping and be positioned in such a way as to prevent glare. External outdoor lighting fixtures will be similar, and wiring for such fixtures will be underground.

C. On the date of this text, street lights exist along the east side of the Hamilton Road right-of-way. To the extent that these street lights are damaged during any construction occurring in this subarea, the developer shall replace them at its own cost and expense. Street lights shall be required along primary private roads and drives within this subarea but shall not be required on secondary access drives or within drive aisles unless desired by the developer.

E. All new or relocated utility lines shall be installed underground.

F. Project identification signage shall be permitted in the general locations shown on the site plan for this subarea.

5. SUBAREA E: L-ARLD

5.01. LOCATION: Subarea E contains approximately 14.52 acres and is located northwest of and adjacent to the intersection of State Route 161 and Hamilton Road.

5.02. PERMITTED USES: Permitted uses for Subarea E shall include multi-family residential; private clubhouses, fitness centers, and pools serving multi-family uses; and accessory uses that are customary for multi-family residential uses.

5.03. DEVELOPMENT STANDARDS: The applicable development standards are contained in Chapter 3333 (ARLD, Apartment Residential) of the Columbus City Code unless otherwise indicated within this text.

5.04. DENSITY, HEIGHT, LOT AND SETBACK COMMITMENTS:

A. The maximum number of dwelling units in this subarea shall be 192.

B. The minimum building and pavement setback from the right-of-way for Hamilton Road and State Route 161 shall be the same as the Preservation Area's boundary as outlined in Section 5.06 below. Outside of the Preservation Area, the minimum setback from Hamilton Road (as measured from the edge of right-of-way as it exists prior to the dedication of any right-of-way as contemplated in Section 5.06.C) and State Route 161 shall be 50 feet for parking and maneuvering areas and for buildings. Steps, stoops, balconies and porches, shall be permitted to encroach into the setback areas (including the Preservation Area) along Hamilton Road but shall extend no more than 5 feet into these areas. Sidewalks to access the buildings may be permitted within this setback.

C. The minimum perimeter setbacks from boundaries of this subarea that are not otherwise specifically addressed in this text shall be 25 feet for parking and maneuvering areas and for buildings. Steps, stoops, balconies and porches shall be permitted to encroach a maximum of 5 feet into the perimeter setback. Sidewalks to access the buildings may be permitted within this setback.

D. From all internal roadways or drives, the minimum setback for buildings shall be 10 feet from the edge of pavement. Building overhangs, stoops, steps, patios, and other architectural features shall be permitted to encroach into minimum required building setbacks, provided, however, that no encroachment will be permitted into the public right-of-way. . This setback shall not apply to buildings with attached garages or stand-alone garages.

E. The height district shall be 60 feet as measured per Columbus City Code, provided, however, that no building in this subarea shall exceed 40 feet in height as measured by Columbus City Code.

5.05. BUILDING DESIGN COMMITMENTS:

A. The architectural design for buildings in this subarea shall be consistent with the standards set forth in this text and shall be coordinated between the various proposed building types. The design of buildings in this subarea shall be consistent with the character of the elevations that are attached to this text as **Exhibit F**.

B. Permitted primary building materials shall include the following (either alone or in some combination): brick, brick veneer, stone, stone veneer, fiber cement panels and/or siding or comparable material, vinyl siding, wood, and/or glass.

5.06. ACCESS, LOADING, PARKING AND OTHER TRAFFIC-RELATED COMMITMENTS:

A. Parking on internal private streets and drives shall be permitted.

B. A shared use path shall be installed along the entire frontage of this subarea on Hamilton Road, to be located either within a sidewalk easement (which shall be permitted to be located in Preservation Areas, provided that

reasonable efforts shall be made to minimize tree removal within these areas) or within the right-of-way as approved by the City's Department of Public Service. Pedestrian connections shall be established between the primary parking area for a building and the primary entry doors of that building.

C. The owner and/or developer shall provide the City of Columbus with an access easement through this subarea for the purpose of providing the City with (i) non-exclusive vehicular and pedestrian access to 70.8+/- acres of real property previously dedicated by the current property owner to the City and (ii) non-exclusive use of the 2 parking spaces, as generally shown on the approved site plan and subject to adjustments resulting from final engineering of site improvements. The access easement shall be in a form that is reasonably acceptable to the owner and/or developer and the City and shall be recorded prior to the issuance of the first building permit in Subarea E.

D. Right-of-way shall be dedicated to the City so that there is a total of 60 feet of right-of-way measured from the centerline of Hamilton Road.

E. This subarea shall be serviced from one vehicular access point on Heathland Lane, which provides access to Hamilton Road.

5.07. BUFFERING, LANDSCAPING, OPEN SPACE AND SCREENING COMMITMENTS:

A. Unless such plantings would cause significant harm to existing vegetation in Preservation Area "H" (as contemplated in Section 5.06.H below), a street tree row shall be established along Hamilton Road with the planting of a minimum of 1 tree for every 30 lineal feet of street frontage. Trees shall be approximately evenly spaced, unless tree grouping is more practical, and planted adjacent to the right-of-way, unless the City of Columbus otherwise requires. A street tree row shall be established along both sides of all internal access roadways with the planting of a minimum of 1 tree for every 30 lineal feet. Such trees shall be those specified in the Columbus Street Tree Program guidelines from the City Forester.

B. Within Preservation Area "G", at least 50% of mature, healthy trees 5 inches in caliper and above shall be preserved. Ground signage and sidewalks for residential units may be placed within Preservation Area "G" as long as the requirements in the immediately preceding sentence are met.

C. A fence shall be installed along all portions of the western boundary line of this subarea that are adjacent to the 70.8+/- acres of real property owned by the City. The fence shall be located at least 1 foot from this boundary line and shall be a minimum height of 4 feet and shall be constructed with wood posts utilizing dark colored wires. The developer shall install and maintain signage on the fence that identifies the area to the west of Subarea E as a preservation area, with the location and size of such signage to be approved by the City's Department of Recreation and Parks.

5.08. DUMPSTERS, LIGHTING, AND SIGNAGE COMMITMENTS:

A. Dumpsters shall be screened from off-site view to a minimum height of 6 feet by a fence, wall, building, and/or landscaping, used individually or in combination.

B. Street lights shall be required to be installed within or adjacent to the Hamilton Road right-of-way to the extent that such lights exist on the eastern portion of the Hamilton Road right-of-way and only as permitted by the Ohio Department of Transportation, if such lights are regulated by that entity. Street lights installed within or adjacent to the Hamilton Road right-of-way shall be consistent with existing street lights located within the eastern portion of the Hamilton Road right-of-way across from this subarea. Street lights shall be required along primary private and

public streets within this subarea but shall not be required on secondary access drive or within drive aisles unless desired by the developer.

C. All external outdoor lighting (including, without limitation, light poles) shall be cut-off type fixtures (downlighting), and shall be designed in such a way to prevent off-site spillage. Light poles shall not exceed 18 feet in height. Lighting shall not generate excessive light levels, cause glare, or direct light onto an adjacent property or street. The source of exterior illumination of a building or landscaping shall be concealed from view. Direct lighting fixtures for a ground sign shall be shielded with landscaping and be positioned in such a way as to prevent glare. External outdoor lighting fixtures for a ground sign shall be shielded with landscaping and be positioned in such a way as to prevent glare. External outdoor lighting fixtures will be similar, and wiring for such fixtures will be underground.

D. All new or relocated utility lines shall be installed underground.

E. Project identification signage shall be permitted in the general locations shown on the site plan for this subarea.

6. MISCELLANEOUS COMMITMENTS

A. Land consisting of 70.8+/- acres located to the northwest of the State Route 161 Expressway/Hamilton Road interchange was previously dedicated by the owner of Subarea E to the City of Columbus as parkland. This dedication shall be credited toward the total parkland dedication requirements for the subareas that are the subject of this text.

The undersigned, being the owner of the subject property, together with the Applicant in the subject Application, or their authorized representatives, do hereby agree singularly and collectively for themselves, their heirs, successors and assigns, to abide by above restrictions, conditions, and commitments regarding development of the subject property, and for such purpose each states that he fully understands and acknowledges that none of the foregoing restrictions, conditions, or commitments shall in any manner act to negate, nullify, alter or modify any more restrictive provision of the Columbus City Codes.

Signature: By: _____

Date: _____